IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2152 of 1997

Between:

FACOR Workers Union, bearing reg.No.572,

Shreeramnagar, Vizianagaram District,

Rep. by its General Secretary,

Shri Bh.Narayana Rao, S/o Late Krishna Murthy, 47 years, r/o Shreeramnagar,

Vizianagaram District.

..... PETITIONER

AND

1. The Deputy Commissioner of Labour, Visakhapatnam.
2. The General Manager,

   M/s. Ferro Alloys Corporation Limited,

   Shreeramnagar,Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Order, Direction or Writ, particularly one in the nature of a Writ of Mandamus declaring that the action of the 1st respondent in closing down the conciliation Proceedings on 13-12-1996 without giving notice to the petitioner-Union and the consequent issuance of Circular by the 2nd respondent-Corporation in Proceedings No.FPL/A-1 dated 20/21/12/1996

as illegal, unjust, contrary to law, in violation of the principles of natural justice and violative of Articles 14,16 and 21 of the Constitution and grant all consequential benefits to the petitioner-Union.

Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

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THE HONOURABLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 2152 OF 1997

Order:

This writ petition is filed by the petitioner-Union aggrieved by the action of the 1st respondent in closing down the conciliation proceedings without giving any notice to the petitioner-Union and also the consequent circular issued by the 2nd respondent.

According to the petitioner, it is the only recognized Union functioning in the 2nd respondent Company. There are about 600 permanent employees and 1,000 contract labourers engaged in the 2nd respondent company. The services of 43 contract labourers were terminated without following the procedure contemplated under law. Therefore, conciliation proceedings were initiated. The 1st respondent, however, without giving notice and opportunity to the petitioner-Union which is a recognized Union had resorted to the system of requisition and then closed the conciliation proceedings. Such action of the 1st respondent is illegal and without jurisdiction and therefore sought for quashing of the said proceedings closing

reconciliation proceedings as well as consequential circular issued by the 1st respondent-company.

At the time of hearing, however, it is stated that the contract labour system has been abolished by a notification issued by the Government. In view of the said abolition of the contract system, the question of engaging any contract labourers or terminating their service would not arise. In view of the changed circumstances, the cause of action against which the present writ petition is filed does not survive and therefore, the writ petition has become infructuous and the same is accordingly dismissed.

30th July, 2004

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To

1. The Deputy Commissioner of Labour, Visakhapatnam.

2. The General Manager,M/s. Ferro Alloys Corporation Limited, Shreeramnagar,Vizianagaram District.

3. 2 CD copies.